

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GEORGIA CELENTANO,

Case No. 3:21-cv-00013-MMD-CSD

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Plaintiff,

ORDER

CITY OF RENO, *et al.*,

Defendants.

I. SUMMARY

Pro se Plaintiff Georgia Celentano attempts to sue multiple Defendants for alleged discrimination, code violations, and other tort claims generally arising from her time living in Reno, Nevada. (ECF No. 1.) Only three Defendants remain after the Court dismissed multiple Defendants under Fed. R. Civ. P. 4(m). (ECF No. 14.) Before the Court is Defendant the City of Reno's motion to dismiss. (ECF No. 15 ("Motion").)¹ As further explained below, the Court dismisses the entire Complaint (ECF No. 1) without prejudice and with leave to amend for noncompliance with Rule 8, because Celentano never responded to the Motion, and because the Complaint fails to state a legally cognizable claim under 42 U.S.C. § 1983, *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658 (1978), or otherwise.

II. BACKGROUND

In the Complaint, Celentano sues multiple Defendants for a variety of alleged misconduct. Celentano's claims run the gamut from claims under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.* ("ADA"), claims for elder abuse and racial discrimination, to code violations, bribery, and security deposit fraud. Celentano's claims

¹As further explained below, Celentano never responded to the Motion despite being given an extension of time to do so. (ECF No. 22.) The Motion was docketed as ECF No. 15, but Reno filed a notice of corrected image of the Motion at ECF No. 16.

1 against the remaining three Defendants can roughly be divided into what appears to be
2 a claim for *Monell* liability against Reno, and negligence or other tort claims against the
3 other two Defendants.

4 Celentano initially attempted to sue eighteen Defendants. (ECF No. 1.) The Court
5 dismissed fifteen Defendants without prejudice because Celentano failed to timely file
6 proofs of service for them. (ECF No. 14.) The remaining Defendants are Reno, Jai
7 Narayan, and Siegel Suites. Jai Narayan appears to own one or more motels in Reno,
8 and Siegal Suites is a hotel. (ECF No. 1 at 8, 9.) Reno's Motion is primarily based on
9 Celentano's failure to plausibly allege a cognizable claim under § 1983/*Monell* and
10 contains an alternative request for a more definite statement. (ECF No. 16.) The Court
11 granted Celentano's request for an additional six weeks to respond to the Motion. (ECF
12 No. 22.) Despite this extension, Celentano has not responded to Reno's Motion.

13 **III. DISCUSSION**

14 The Court dismisses the Complaint without prejudice for failing to satisfy the notice
15 pleading standards of Fed. R. Civ. P. 8(a). The Court may—as it does here—*sua sponte*
16 dismiss a complaint for failure to comply with Rule 8. See *Simmons v. Abruzzo*, 49 F.3d
17 83, 86-87 (2d Cir. 1995); *Long v. JP Morgan Chase Bank, Nat. Ass'n*, 848 F. Supp. 2d
18 1166, 1173 (D. Haw. 2012).

19 A properly pled complaint must provide “a short and plain statement of the claim
20 showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2); *Bell Atlantic Corp. v.*
21 *Twombly*, 550 U.S. 544, 555 (2007). The Rule 8(a) notice pleading standard requires
22 Celentano to “give the defendant fair notice of what the . . . claim is and the grounds upon
23 which it rests.” *Id.* at 555 (internal quotation marks and citation omitted). Moreover, the
24 notice pleading requirements of Rule 8(a) can be violated not only “when a pleading says
25 too little,” but also “when a pleading says too much.” *Knapp v. Hogan*, 738 F.3d 1106,
26 1109 (9th Cir. 2013) (citing *Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637
27 F.3d 1047, 1058 (9th Cir. 2011) (“[W]e have never held – and we know of no authority
28 supporting the proposition – that a pleading may be of unlimited length and opacity. Our

1 cases instruct otherwise.”) (citations omitted)); see also *McHenry v. Renne*, 84 F.3d 1172,
 2 1179-80 (9th Cir. 1996) (affirming dismissal under Rule 8, and stating that “[p]rolif, 3
 confusing complaints such as the ones plaintiffs filed in this case impose unfair burdens
 4 on litigants and judges”). In addition, and although a *pro se* complaint is subject to a liberal
 5 construction, “even a *pro se* complaint is subject to dismissal if the pleading fails to
 6 reasonably inform the adverse party of the basis for the cause of action.” See *In re “Santa*
 7 *Barbara Like It Is Today” Copyright Infringement Litig.*, 94 F.R.D. 105, 108 (D. Nev. 1982)
 8 (citation omitted).

9 Celentano’s Complaint violates all of these rules. It fails to provide “a short and
 10 plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P.
 11 8(a). It is neither concise nor direct. See Fed. R. Civ. P. 8(d). It says too much. It does not
 12 reasonably inform adverse parties what the causes of action are, much less plausibly
 13 allege that each element of each cause of action is satisfied. Indeed, the Court cannot
 14 discern from the Complaint which particular legal violations are alleged against which
 15 Defendant. The Complaint is a difficult-to-follow narrative linking together seemingly
 16 dissimilar claims and occurrences against various unrelated Defendants. The Court
 17 therefore determines that Celentano’s Complaint fails to satisfy the notice pleading
 18 requirements of Rule 8(a) and dismisses it without prejudice.²

19 That said, the Court grants Celentano leave to file an amended complaint that
 20 provides “a short and plain statement of the claim showing” Celentano “is entitled to relief,”
 21 see Fed. R. Civ. P. 8(a)(2), considering Celentano’s *pro se* status and the Court’s inability
 22 to determine that Celentano’s putative claims are all futile. Should Celentano choose to
 23 file an amended complaint, Celentano must use the Court’s complaint form pursuant to
 24 LSR 2-1, though Celentano may insert additional pages to supplement the complaint
 25

26 ²Alternatively, the Court grants Reno’s Motion because Celentano never filed a
 27 response to it. (ECF No. 24 (noting non-opposition).) See also LR 7-2(d) (“The failure of
 28 an opposing party to file points and authorities in response to any motion, except a motion
 under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the
 granting of the motion.”). Moreover, the Court agrees with Reno that Celentano’s
 Complaint does not sufficiently allege a *Monell* claim against it. (ECF No. 16 at 3-4.)

1 form. The Court further advises Celentano that an amended complaint replaces the
2 Complaint, so the amended complaint must be complete in of itself. See *Hal Roach*
3 *Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that
4 “[t]he fact that a party was named in the original complaint is irrelevant; an amended
5 pleading supersedes the original”). This means that any amended complaint Celentano
6 files must contain all of Celentano’s claims and supporting facts and identify all
7 defendants that Celentano intends to sue.

8 If Celentano seeks to pursue a § 1983/*Monell* claim against Reno, Celentano
9 should note that in order to establish liability for governmental entities under *Monell*, a
10 plaintiff must prove “(1) that [the plaintiff] possessed a constitutional right of which he was
11 deprived; (2) that the municipality had a policy; (3) that this policy amounts to deliberate
12 indifference to the plaintiff’s constitutional right; and, (4) that the policy is the moving force
13 behind the constitutional violation.” *Dougherty v. City of Covina*, 654 F.3d 892, 900 (9th
14 Cir. 2011) (quoting *Plumeau v. Sch. Dist. No. 40 Cnty. of Yamhill*, 130 F.3d 432, 438 (9th
15 Cir. 1997)). Section 1983 “is not itself a source of substantive rights,’ but merely provides
16 ‘a method for vindicating federal rights elsewhere conferred.” *Albright v. Oliver*, 510 U.S.
17 266, 271 (1994) (quoting *Baker v. McCollan*, 443 U.S. 137, 144 n.3 (1979)). Said
18 otherwise, Celentano must point to specific constitutional rights that Celentano has been
19 deprived of and explain how Reno’s policy is the moving force behind that violation or
20 violations.

21 If Celentano continues to pursue claims against the individual residential properties
22 discussed in the Complaint, the Court construes Celentano’s putative claims as falling
23 into two categories: ADA discrimination claims and negligence claims. If Celentano
24 pursues an ADA discrimination claim, Celentano should note that “the ADA’s reach is not
25 unlimited. Rather, as with other civil rights statutes, to invoke the jurisdiction of the federal
26 courts, a disabled individual claiming discrimination must satisfy the case or controversy
27 requirement[s] of Article III by demonstrating his standing to sue at each stage of the
28

1 litigation.” *Chapman v. Pier 1 Imports (U.S.) Inc.*, 631 F.3d 939, 946 (9th Cir. 2011)
2 (citations omitted).

3 To establish standing, Celentano must “demonstrate that [s]he has suffered an
4 injury-in-fact, that the injury is traceable to the [Defendant’s] actions, and that the injury
5 can be redressed by a favorable decision.” *Id.* (citation omitted). An ADA Title III plaintiff
6 may establish standing in one of two ways: (1) demonstrating an intent to return to a
7 noncompliant accommodation; or (2) demonstrating that [s]he is deterred from visiting a
8 noncompliant public accommodation because s/he has encountered barriers related to
9 his/her disability there. See *id.* at 949; see also generally *Luu v. Ramparts, Inc.*, 926 F.
10 Supp. 2d 1178 (D. Nev. 2013) (dismissing the plaintiff’s ADA complaint but describing the
11 sort of allegations that would be sufficient to state a claim).

12 Based on its review of the Complaint, the Court notes that Celentano’s negligence
13 claims fall largely into three categories: insect infestations, code violations, and security
14 deposit fraud claims. The Court further notes that, given the limits on the Court’s subject
15 matter jurisdiction including the amount-in-controversy requirement, Celentano may be
16 better served by bringing any negligence claims like these ones in state court.

17 **IV. CONCLUSION**

18 The Court notes that the parties made several arguments and cited to several
19 cases not discussed above. The Court has reviewed these arguments and cases and
20 determines that they do not warrant discussion as they do not affect the outcome of the
21 issues before the Court.

22 It is therefore ordered that the City of Reno’s motion to dismiss (ECF No. 15) is
23 granted.

24 It is further ordered that the Complaint (ECF No. 1) is dismissed in its entirety,
25 without prejudice, and with leave to amend.

26 It is further ordered that, if Celentano chooses to file an amended complaint,
27 Celentano must file that amended complaint by August 31, 2022.

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1 It is further ordered that, if Celentano fails to file an amended complaint curing the
2 deficiencies outlined in this order by August 31, 2022, the Court will dismiss this action
3 without prejudice for failure to state a claim on September 1, 2022.

4 DATED THIS 19th Day of July 2022.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE